

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

B&B WELDING, INC.,

Plaintiff,

v.

CV No. 21-755 GBW/CG

WPX ENERGY PERMIAN, LLC,

Defendant.

**ORDER TO SHOW CAUSE**

**THIS MATTER** is before the Court on review of the record. Plaintiff filed its *Amended Complaint*, (Doc. 3), on August 31, 2021, seeking a declaratory judgment related to an underlying state court case. The record reflects that a summons was issued to Defendant on October 1, 2021, and that the summons was returned executed on October 14, 2021. (Doc. 5). To date, Defendant has not filed a responsive pleading, and no further activity has occurred in this case since the summons was issued over 90 days ago. Under Local Rule 41.1, “[a] civil action may be dismissed if, for a period of ninety (90) days, no steps are taken to move the case forward.” D.N.M. LR-Civ. 41.1. As such, Plaintiff is instructed to show cause why its case should not be dismissed under Rule 41.1 for failure to prosecute.

**IT IS THEREFORE ORDERED** that, on or before **January 18, 2021**, Plaintiff shall file a written response to the Court’s Order, explaining the current status of service on Defendant or otherwise request the appropriate relief.

**IT IS SO ORDERED.**

A handwritten signature in black ink, appearing to read 'Carmen E. Garza', with a long horizontal line extending to the right.

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THE HONORABLE CARMEN E. GARZA  
CHIEF UNITED STATES MAGISTRATE JUDGE